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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/830,430   | 09/20/2001  | Leslie Graf          | 027566-027          | 7150             |
| 27045  | 7590        | 04/18/2005           | EXAMINER            |                  |
| ERICSSON INC.<br>6300 LEGACY DRIVE<br>M/S EVR C11<br>PLANO, TX 75024 |             |                      | NGUYEN, HANH N      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2662                |                  |

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/830,430

Applicant(s)

GRAF ET AL. 

Examiner

Hanh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 09/20/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claim 1 is objected to because of the following informalities: there is a duplicate “and” on lines 15 & 16 of claim 1. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4 are rejected under 35 USC 102(e) as being anticipated by Dunn et al. (Pat. 6,560,648 B1).

In claims 1 and 4, Dunn et al. discloses a method of determining the propagation delay over a router controlled IP network intended to provide a segment of a telephone circuit for carrying information between at least two subscriber terminals, the method comprising: reacting to a request for a telephone circuit between said two subscribers ( host 102 and host 122) by transmitting a voice packet ( sending a Ping message 300) containing an echo request message ( echo message 380, fig.3B) over the router controlled IP network ( internet networks 108, 112 comprising routers 110, fig. 1, see col.3, lines 32-50) from a first network node ( gateway 106, fig.1) to a second network node ( gateway 118, fig.1, see col.3, lines 62 to col.4, line 5); reacting to receipt of the echo request message at the second network node ( in response to receiving the

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echo message 380 at the gateway 118) by transmitting a voice packet (ping command 300, fig.3) containing an echo reply message ( sending echo reply message 380, fig.3B) over the router controlled IP network (Internet networks 108, 112) from the second network node ( gateway 118, fig.1) to the first network node ( gateway 106, fig.1); and determining the round trip propagation delay for the router controlled IP network segment on the basis of the time which elapses between sending the echo request message from the first node and receiving the echo reply message also at the first node ( measuring full loop-back network latency indicating a time period for completing of a test message ( echo request) from host 102 to host 122 and back to the host 102). See Abstract , col.7, lines 5-20.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 USC 103(a) as being unpatentable over Dunn et al. (Pat. 6,560,648 B1) in view of Handig ( Pat. 5,857,009).

In claim 2, as disclosed by parent claim 1, Dunn et al. does not disclose sending initial address message IAM over the IP network segment. Handig discloses a communication node 20 ( fig.3) receives an incoming IAM from subscriber ( see fig.5, block 510); determines a propagation delay, then sends the IAM to an adjacent node ( see fig.5, block 560 & col. 7, line 60 to col.8, line 6) ( determining propagation delay before sending IAM to an other node).

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Therefore, it would have been obvious to one ordinary skilled in the art to apply the method of determining propagation delay disclosed by Handig into Dunn et al. in order to determine propagation delay prior to sending IAM over IP network. The benefit of the combination is to determine propagation delay while transmitting real time voice over IP network.

In claim 3, as disclosed by parent claims 1 and 2 above, it would have been obvious to combine the Handig with Dunn et al. in order to determine total round trip delay between two device over the Ip network by adding propagation delay suggested by Handig and the round trip propagation delays.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang et al. (Pat. 5,870,540) discloses Low overhead method for detecting communication failures on a network.

Badt et al.(Pat. 5,959,974) discloses System and method for discoveing path MTU of internet path.

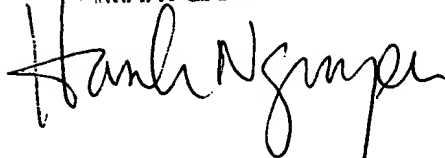
Bhusri (Pat. 5,555,295) discloses Service and information management system for a telecommunications network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-FRiday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**HANH NGUYEN**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script, appearing to read 'Hanh Nguyen', written in black ink.